

MONTEREY COUNTY PLANNING COMMISSION

Meeting: April 25, 2007 Time:	Agenda Item No.:
Project Description: Combined Development Permit consisting of; 1) A Coastal Administrative Permit to allow the construction of a new 6,537 square foot two-story single family dwelling with a 903 square foot attached garage and associated grading (1,600 cubic yards cut and 200 cubic yards fill); 2) A Coastal Development Permit to allow the construction of a 699 square foot detached caretaker's unit; 3) A Coastal Development Permit for the removal of 38 Monterey Pine trees; 4) A Variance to reduce the front setback for the caretaker unit from 50 feet to 30 feet; and 4) Design Approval.	
Project Location: 1576 Griffin Road, Pebble Beach	APN: 008-171-038-000
Planning File Number: PLN060533	Name: Matthew & Carolyn Khourie, Owners
Plan Area: Del Monte Forest Land Use Plan	Flagged and staked: Yes
Zoning Designation: : LDR/1-D(CZ) [Low Density Residential, 1 unit per acre with a Design Control Overlay (Coastal Zone)] and RC-D (CZ) [Resource Conservation with a Design Control Overlay (Coastal Zone)]	
CEQA Action: Categorically Exempt per section 15303(a)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission approve the Combined Development Permit and Variance based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT OVERVIEW:

The proposed project entails the construction of a new single family dwelling with an attached garage and a detached caretaker's unit. This design would require 1,800 cubic yards of grading plus the removal of 38 native Monterey Pine trees greater than six inches diameter at breast height (DBH). Eleven of these trees are considered dead or dying. A Variance to reduce the front setback for the caretaker unit from 50 feet to 30 feet has been included to reduce the amount of tree removal.

Staff's review focused on consistency with the Local Coastal Plan (LCP) and the California Environmental Quality Act (CEQA) policies. Primary issues involve consistency with the Del Monte Forest Land Use Plan (LUP) regarding the driveway design and limiting impact to forest resources. As designed and conditioned, staff finds that the proposed project is consistent with the LCP policies and can be categorically exempt from CEQA.

See Exhibit B for a more detailed discussion.

OTHER AGENCY INVOLVEMENT:

- ✓ Pebble Beach Community Services Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ California Coastal Commission

The above checked agencies and departments have reviewed this project. Conditions recommended by Pebble Beach FPD and the Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit D**).

On April 5, 2007 the Del Monte Forest Land Use Advisory (LUAC) voted 4 to 0 to approve the project as proposed, stating that the project is very well designed.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission

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April 8, 2007

cc: Planning Commission Members (10); Pebble Beach Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Carl Holm, Planning Services Manager; Craig Spencer, Planner; Carol Allen, Matthew and Carolyn Khourie, Applicants; International Design Group, Agent; Planning File PLN060533.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Driveway and Caretaker Justification Letters
	Exhibit F	Site Plan, Floor Plan and Elevations

This report was reviewed by Carl Holm, AICP, Acting Planning Services Manager

EXHIBIT B
PROJECT DISCUSSION
PLN060533 (Khourie)

I. PROJECT SETTING AND DESCRIPTION:

Setting

The project site is approximately 1-acre located on the corner of Griffin Road and Sprunace Road in the Pescadero planning area of Pebble Beach. It is currently undeveloped with densely forested Monterey Pine habitat. The parcel is zoned for low density residential use except a 50-foot wide forest preserve zoned Resource Conservation fronting on Sprunace Road.

Topographically the site slopes down from Griffin Road (east to west) dropping from the 498-foot elevation at the driveway entrance off Griffin Road to the 486 foot elevation at the lowest point of proposed development. This parcel was created by the Pebble Beach Heights subdivision number 1, is surrounded by mostly residential communities, and is suitable for the proposed project.

Project Description

The project consists of constructing a new 6,537 square foot two-story single family dwelling with a 903 square foot attached garage and a 699 square foot detached caretaker's unit. A variance is included to reduce the required front setback for an accessory structure from 50 feet to 30 feet. Access to the site is by a driveway off Griffin Road that enters into a guest parking area then continues around to a motor court on the southern side of the proposed dwelling and ultimately into the garage. The driveway will connect to the house and caretaker unit by a series of walkways consisting of 899 square feet of concrete pavers and 3,068 square feet of eco pavers. There is a private garden, terrace, and spa area proposed at the rear of the dwelling measuring approximately 833 square feet. Hardscaped areas cover approximately 5,148 square feet with 1,534 square feet of that being permeable "eco-pavers" (3,614 square feet net), which meets the standard for impermeable surfaces in the Pescadero watershed. Construction impacts from building and grading (3,200 cubic yards total) will require removal of 38 Monterey Pine trees.

II. ANALYSIS

Development Standards

The site is designated for low density residential development (LDR/1-D(CZ)). Standards for height, lot coverage, and floor area ratio (FAR) are all met. Staff identified issues relative to compliance with the Carmel Land Use Plan policies (tree removal, driveway length/design) and suggested changing the project design in order to address these issues. Given that the applicant was not interested to redesign the project, staff suggested a variance to reduce front setback requirements for the proposed caretaker unit in order to minimize tree removal. All other setbacks are met.

Additionally the project is located in the Pescadero watershed and has a limit on impermeable surfaces broken down between structure and impervious area. Impervious areas total 3,614 square feet, under the 4,000 square feet allowed (achieved partially through the use of semi-permeable "eco pavers") and structural coverage totals just under the 5,000 square feet allowed, with 4,997 square feet proposed.

Caretaker's Unit

Use of Caretaker's Units are encouraged in the Del Monte Forest LUP as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees (Policy #78a LUP). The property is served by the Pebble Beach Sanitary Sewer District, is not within a planned unit area shown on figure 5 of the Del Monte Forest Land Use Plan and is allowed based on the current dwelling unit/density maximum for the Del Monte Forest Planning area (see finding 1d). A standard condition of approval has been incorporated to insure compliance with caretaker's standards (Condition #11)

Driveway

A 50-foot wide forest preserve prevents access to this site from Sprunace, leaving Griffin Road as the only possible entrance road. The proposed driveway enters the site from Griffin Road to the North, extends along the entire length of the house, and terminates at the garage on the southern side sweeping around the proposed residence. Policies and regulations for Del Monte Forest require "direct access" and "minimal length" for new driveway's (Section 20.147.090.A.1 CIP). Staff questioned the ability to design a garage at the top of the site in order to reduce the driveway length.

Written justification for the proposed driveway design submitted by the applicant in a memo dated February 6, 2007 is attached as Exhibit E. This memo cites reasons for the proposed driveway design as:

- Topography. Direct Access presents a problem concerning fire department requirements with a 30-foot setback, proper off street parking, and turnaround behind the front entry gate.
- Site constraints (corner configuration and conservation easement). Location of the entrance point off Griffin Road is sited to avoid further tree removal.
- Aesthetics. Direct access to the residence would create aesthetic effects such as a very steep driveway, with a 12-foot elevation difference from the street to finished floor.

Overall design of the project is consistent with Pescadero Watershed Policies limiting pervious surface, fire department requirements, and parking regulations. In addition, the justification letter indicates that redesigning the driveway for direct access would require removal of the same number of trees as is currently proposed for the driveway. The applicant did revise the driveway to reduce the guest parking area. Staff finds, in light of the afore-mentioned evidence, that the driveway meets the intent of the Del Monte Forest Land Use Plan.

Tree Removal

The proposed project consists of the removal of 38 Monterey Pine trees. According to the Del Monte Forest CIP, removal of native trees or other major vegetation requires a Coastal Development Permit (Section 20.147.050 A1 CIP). A waiver or exception can be given to eleven Pines that are dead, diseased, or hazardous according to the Amended Forest Management Plan (FMP) prepared by Matt Horowitz on February 22, 2007 (Section 20.147.050 A1b CIP), leaving the total removal of 27 healthy Monterey Pines greater than or equal to 6 inches DBH.

Staff has worked with the project proponents to explore alternatives that would better meet the policies of the Del Monte Forest LUP regarding tree removal. Through design modifications the removal of healthy, mature Pine trees was reduced from 42 to 27. Significant development anywhere on the lot would require the removal of protected trees. Due to the number of trees on the lot, in consideration with the 50 foot Forest Preserve, staff has determined that the proposed development, with the setback Variance for the caretaker unit, is adequately located and meets the intent of the LUP Policies 31 through 34 by retaining to the maximum feasible degree the natural forest character and minimizing removal of vegetation. This determination is supported

in the Forest Management Plan which states “Current locations of proposed improvements take advantage of dead and dying trees that require removal for safety, sanitation and health of the forest resources.” Recommendations contained in the report have been made conditions of approval to protect the trees not proposed for removal and to require the planting of 1 Monterey Pine tree for each tree greater than 12 inches (DBH) removed.

Variance

Staff met with the applicant multiple times to discuss and evaluate the proposed design. The location of the caretaker unit was of particular concern as several trees were required to be removed in the originally proposed location. Rotating the proposed caretaker unit reduced the number of Monterey pine trees removed from six to three. Tree removal creates special circumstances for a variance to reduce the 50 foot front setback minimum for accessory habitable structures to 30 feet (same as main structure). Reduction of the setback to the caretaker unit will not create a special privilege as the caretaker will still maintain the required main structure setbacks and meets the intent of the Code to be screened from the road and neighbors by the existing trees. Caretakers units are an allowed use in the projects zoning district and is a use enjoyed by many others in the Del Monte Forest. Staff supports the proposed variance given the proposed site design in order to promote the preservation of Monterey pine trees on the site to the maximum extent.

CEQA

The project entails development of a single family home and a caretaker unit on an existing legal lot of record created through the Pebble Beach Heights No. 1 subdivision in 1971. Section 15303(a) of the California Environmental Quality Act (CEQA) exempts the construction of single family residences and accessory structures (Class 3).



The project is not located within the public viewshed (Section 20.147.070.A.1 CIP), is surrounded by a residential neighborhood, and no landmark trees are proposed for removal. The amount of trees being removed has been limited and is a small ratio of the number of trees on the site. Staff reviewed the technical reports prepared for the proposed project and the site for unique conditions that may supersede this exemption. No evidence of any such conditions was observed and no potential impacts to the environment are foreseen.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, with an exception for a Variance for front set back of the caretaker unit, conforms to the policies, requirements, and standards of the Monterey County General Plan, Del Monte Forest Land Use Plan, Coastal Implementation Plan Part 5, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

- EVIDENCE:** (a) Plan Conformance The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. A Variance is requested to reduce the required front setback for the caretaker unit from 50 feet to 30 feet (See Findings 4-6). No other conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- (b) Zoning Consistency The property is located at 1576 Griffin Road (Assessor’s Parcel Number 008-171-038-000), Del Monte Forest Land Use Plan. The area proposed for development on the parcel is zoned Low Density Residential, 1 acre per unit, Design Control, in the Coastal Zone (“LDR/1-D(CZ)”). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.
- (c) Site Visit The project planner conducted a site inspection on October 11, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
- (d) Caretaker Unit This project is in conformance with policies of the Del Monte Forest Land Use Plan (LUP), specifically policy 78a, which encourages “the use of caretakers accommodations as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees” and the Circulation element of the LUP, which encourages the separation of visitor and resident traffic. Caretaker Units are considered units of residential development for the purposes of calculating density in areas of new residential land uses planned in the Del Monte Forest (Table A). Staff has determined that adequate density exists in the Del Monte Forest Area for the proposed project based on staff’s review of maximum allowed densities, current zoning designations, total acreages within each zoning classification, number of units allowed, number of buildable lots, number of existing vacant lots, and number of existing caretaker units. The proposed project is outside the areas designated by Table A of the Del Monte Forest LUP for residential planned development densities. A condition requires the applicant to record a deed restriction that this unit will be maintained in accordance with these standards (Condition # 11).
- (e) Forest Resources The site is densely forested Monterey pine habitat and development anywhere on the lot would require removal of trees. A Forest Management Plan was prepared by Forest City Consulting for the project. As designed, the project requires removal of 38 Monterey Pine Trees of which eleven are dead or dying and should be removed for the health of the forest. Siting and design have been reviewed and changed to minimize removal of healthy mature pine trees. A separate entitlement

(CDP) is included in this permit for the removal of healthy, mature, native Monterey Pine trees (See Finding 3).

- (f) Variance (Front Setback) A Variance to redefine the front setback for the caretaker unit from 50 feet to 30 feet is requested in order to minimize tree removal based on the proposed site design. A separate entitlement is included in this permit to for a front setback Variance to allow the caretaker unit to be built 30 feet from Griffin Road (See Finding 4)
- (g) Driveway The Del Monte Forest Land Use Plan (LUP) requires “direct access” and “minimal length” for new driveways (20.147.090.A.1 CIP). The proposed driveway enters the site from Griffin Road to the North and terminates at the garage on the Southern side, sweeping around the proposed residence. Site constraints and conformance with other LUP policies justify this design. Overall design of the project is consistent with Pescadero Watershed Policies limiting pervious surface, fire department requirements, and parking regulations. In addition, a justification letter (dated 2/6/2007) submitted by the applicant indicates that redesigning the driveway for direct access would require removal of the same number of trees as is currently proposed for the driveway. The project as proposed is consistent with the Pescadero Watershed Policies and meets the intent of the Del Monte Forest Land Use Plan.
- (h) Land Use Advisory Committee (LUAC) The Del Monte Forest LUP review the project on April 5, 2007 and recommended approval (4-0) stating that the project is very well designed.
- (i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060533.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Pebble Beach Fire Protection District, Public Works, Environmental Health Division, Water Resources Agency, and the California Coastal Commission. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) Technical reports by outside geological, and forester consultants indicated that there are not physical or environmental constraints that would indicate that the site is not suitable for the use propose. County staff concurs. The following reports have been prepared:
 - “Amended Forest Management Plan” (LIB060609) prepared by Forest City Consulting, Carmel, CA, September 28, 2006.
 - “Amended Forest Management Plan (LIB070091) prepared by Forest City Consulting, Carmel, CA, February 22, 2007.
 - “Amended Forest Management Plan” (LIB070179) prepared by Forest City Consulting, Carmel, CA, March 23, 2007.
 - “Geotechnical Soils-Foundation & Geosieismic Report” (LIB060608) prepared by Grice Engineering and Geology Inc., Salinas, CA, September 2006.
- (c) Staff conducted a site inspection on October 11, 2006 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN060533.

3. **FINDING: TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the Del Monte Forest Land Use Plan and Coastal Implementation Plan (Part 5).

- EVIDENCE:**
- (a) The project includes a Coastal Development Permit for the removal of 38 Monterey pine trees within the Del Monte Forest (Section 20.147.050 A CIP).
 - (b) Section 20.147.050.D.4 of the Monterey County Coastal Implementation Plan, Part 5, states that “new residential development, including driveways and parking areas, shall be sited and designed to minimize cutting of trees, especially trees screening the development from neighboring properties.” A 50-foot wide forest preserve easement limits the development potential of the site. Revisions to the project have been made to reduce tree removal from 42 to 27 healthy, mature, Monterey Pines. There are also 11 dead or dying tree that would also be removed as part of this permit. No trees screening the property are proposed for removal.
 - (c) Design changes have been made, including a variance to reduce the required front setback for the caretaker unit, in order to maximize retention of the natural forested character and minimize tree removal in accordance with LUP Policies 31-34.
 - (d) An initial plan required removal of 42 health, mature, Monterey Pine trees; however, the applicants revised the design to reduce tree removal down to 27. No landmark trees are proposed for removal. Removal of trees that measure 12-inches or greater DBH are required to be replaced on site at a 1:1 ratio by Section 20.147.050.D CIP. The Forest Management Plan recommends this ratio and this has been incorporated as a standard condition of approval (Condition #9)
 - (e) When reviewing requests for tree removal, environmental considerations shall include review of forest plant associations, native soil cover, aesthetic values, as well as maintenance of the overall health of the stand (Policy #32 LUP). Potential impact to native trees was assessed in a Forest Management Plan prepared by Forest City Consulting dated September 28, 2006 and subsequent reports dated February 22, 2007 and March 23, 2007. The lot is densely forested and development anywhere on the lot would require tree removal. The project design takes advantage of dead and dying trees that require removal for safety, sanitation and health of the forest resources. The ground cover consists of dead pine needles with limited undergrowth or plant associations. Due to the low ratio of the number of trees on the lot against the number of trees proposed for removal there is no significant impact to habitat. Monterey County standard conditions of approval have been implemented for protection of surrounding trees during construction including tree protection zones and trunk protection (Section 20.147.050.D.3 CIP).
 - (f) A Monterey County standard condition of approval has been implemented requiring the applicant to record a notice stating that a Forest Management Plan has been prepared and any tree removal shall be in accordance with the approved plan (20.147.050.D.7 CIP).
 - (g) Forest Management Plan prepared by Forest City Consulting, dated September 28, 2006 and subsequent reports by Forest City Consulting dated February 22, 2007 and March 23, 2007 contained in Project File PLN060533.
 - (h) The removal will not involve a risk of adverse environmental impacts.

4. **FINDING: VARIANCE (SPECIAL CIRCUMSTANCE)** – There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings. As a result, the strict application of Title 20 would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Although it was determined that special, circumstances exist, Variances are granted on a case-by-case basis and the findings and evidence for this project do not necessarily apply to other parcels.

- EVIDENCE:**
- (a) This is a triangular-shaped parcel with frontage on two sides (Sprunace and Griffin Road). The site contains many Monterey Pine trees including a 50 foot wide “forest preserve” zoned Resource Conservation. The preserve combined with multiple front setbacks and the vegetation on the lot restricts the potential area for development.
 - (b) A void in the vegetation on the lot exists approximately 30 feet from the front of the property, still within the required setbacks for the main structure. The caretaker unit can be rotated to fill this void and reduce tree removal. Retaining more trees helps to screen the development and would better meet adopted County goals and policies (Policies 31-36 LUP).
 - (c) Strict interpretation of the zoning ordinance would potentially restrict the construction of an accessory structure due to site constraints and would require removal of more healthy mature pine trees than is necessary for the construction of the caretaker unit.
 - (d) Materials in Project File No. PLN060533

5. **FINDING: VARIANCE (SPECIAL PRIVILEGE)** – The Variance does not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and identical zoning classification in which such property is situated.

- EVIDENCE:**
- (a) A Variance is requested to avoid extraneous tree removal in accordance with the intent of the Del Monte Forest Land Use Plan Policies.
 - (b) Front setback requirements for a detached caretaker unit would require siting the structure in an area that is more densely covered with trees. Allowing the caretaker unit to be rotated would better meet Policies 31-36 of the Del Monte Forest Land Use Plan (Policies 31-36).
 - (c) The caretaker unit will still be required to maintain the minimum front setback requirement (30 feet) for “main structures” within the district in which it is located (LDR/1 (CZ)).
 - (d) Other parcels of similar size in the area have been able to include a caretaker unit on the site. Based on special circumstances, approval of this Combined Development Permit (PLN060533/Khourie) will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and identical zoning classifications.
 - (e) Research of Planning and Building Inspection Department files revealed that similar Variances were granted to:
 - Pebble Beach Company/PC 92-73 (Assessor’s Parcel Number 008-401-018-000). Approved a reduction of the front set back for accessory structures on a corner lot.
 - Johnstone/PLN050411 (Assessor’s Parcel Number 008-471-020-000). Approved a reduction from 50 feet to 20 feet of the front set back for a caretaker unit due to site constraints including tree removal and slope.
 - (f) Materials in Project File PLN060533

6. **FINDING: VARIANCE (AUTHORIZED USE)** – This project will not constitute a grant for an activity or use otherwise not expressly authorized by the zone regulations governing the parcel.
- EVIDENCE:** (a) Caretaker’s Units are listed as “Conditional Uses Allowed” per Section 20.14.050.I in the Low Density Residential Zoning District Title 20.
- (b) The Del Monte Forest LUP Policy 78a encourages the use of Caretakers units as an appropriate means of providing affordable housing for caretakers, ranch hands, convalescent help, and domestic employees” and the Circulation element of the LUP, which encourages the separation of visitor and resident traffic.
- (c) Materials in Project File PLN060533
7. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review.
- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15303 categorically exempts the construction of single family residences and small accessory structures.
- (b) There are no landmark trees proposed for removal and the site is not visible from any designated scenic corridor or public viewing area.
- (c) The Forest Management Plan prepared for the project states that “There are no significant long term development related impacts anticipated to the native forest resources.” Staff concurs.
- (d) The geotechnical report prepared for the project deemed the project suitable for the proposed project provided the recommendations in the report are followed. No significant impacts were identified. A standard condition of approval has been implemented to assure compliance with the report (Condition #10)
- (e) No potential adverse environmental effects were identified during staff review of the development application and during a site visit on October 11, 2006.
- (f) There are no unusual circumstances related to the project or property.
- (d) See preceding and following findings and supporting evidence.
8. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
7. **FINDING: PUBLIC ACCESS:** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.
- EVIDENCE:** (a) The subject property is not described as an area where the Local Coastal Program requires access.

- (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 15, the Recreational Facilities Map, and Figure 16, the Shoreline Access Map, of the Del Monte Forest Area Land Use Plan.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Staff site visit October 11, 2006.

8. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

9. FINDING: APPEALABILITY - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).

- (b) The project may be appealed to the California Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal Implementation Plan - Part 1 because tree removal is subject to a Coastal Development Permit. In addition, the site is located between the sea (Pacific Ocean) and the first public road paralleling the sea (Highway One).

EXHIBIT D
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Matthew & Carolyn Khourie

File No: PLN060533

APN: 008-171-038-000

Approved by: Planning Commission

Date: April 25, 2007

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PBD029 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN060533) consist of the following entitlements 1) A Coastal Administrative Permit to allow the construction of a new 6,537 square foot two-story single family dwelling with a 903 square foot attached garage and associated grading (1,600 cubic yards cut and 200 cubic yards fill); 2) A Coastal Development Permit to allow the construction of a 699 square foot detached caretaker's unit; 3) A Coastal Development Permit for the removal of 38 Monterey Pine trees; 4) A Variance to reduce the front setback for the caretaker unit form 50 feet to 30 feet; and 4) Design Approval. The property is located at 1576 Griffin Road (Assessor's Parcel Number 008-171-038-000), Del Monte Forest Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. [Resource Management Agency (RMA) - Planning and Building Inspection]</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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2.		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. PLN060533) was approved by the Planning Commission for Assessor's Parcel Number 008-171-038-000 on April 25, 2007. The permit was granted subject to 22 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to RMA - PD.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		<p>PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	

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4		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

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5		PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA – Planning Department and Building Services Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
6		PD011 – TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During Construction	

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7		<p>PD012(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</p> <p>The site shall be landscaped. At least three (3) weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)</p>	<p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.</p>	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	At least three (3) weeks prior to final inspection or occupancy	
			<p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	Owner/ Applicant	Ongoing	
8		<p>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the</p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p>	Owner/ Applicant	Prior to the issuance of building permits.	

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		location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	
9		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Forest Management Plan has been prepared for this parcel by Forest City Consulting, dated September 28, 2006 with amendments dated February 22, 2007 and March 23, 2007 and are on record in the Monterey County RMA - Planning Department , Library No's. LIB060609, LIB070091, and LIB070179. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
10		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Soils-Foundation & Geoseismic report has been prepared for this parcel by Grice Engineering and Geology Inc, dated September 2006 and is on record in the Monterey County RMA - Planning Department , Library No. 060608. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	

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11		<p>PD018 B – DEED RESTRICTION – CARETAKER UNIT (COASTAL)</p> <p>The applicant shall record a deed restriction stating the regulations applicable to a caretaker unit as follows:</p> <ul style="list-style-type: none"> • Only one caretaker unit per lot shall be allowed. • The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under same ownership. • The minimum lot size for establishment of a caretaker unit in areas not served by sewers shall be two acres. The minimum lot size for establishment of a caretaker unit in the Carmel Planning Area shall be 40 acres. • Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located, except in North County. In North County, caretakers units shall not be permitted on lots less than 5 acres if located in an area not served by public sewer systems. • The maximum floor area for a caretaker unit is 850 square feet. • A minimum of one covered off-street parking space shall be provided for the caretaker unit. • The caretaker unit shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect. • Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning. • Caretaker units are not permitted on any lot less than 10 acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to a Coastal Administrative Permit. <p>(RMA – Planning Department)</p>	<p>Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the document shall be submitted to the RMA – Planning Department.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to the issuance of grading or building permits</p> <p>Prior to the issuance of grading or building permits</p>	

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12		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
13		PD041 – HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA – Planning Department and Building Services Department)	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection 2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant Owner/ Applicant/ Engineer	Prior to the issuance of grading or building permits Prior to the final inspection	

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14		PD042 – GRADING/EASEMENT STAKING The conservation and scenic easement(s) and proposed grading shall be staked with 18” stakes at intervals as necessary to clearly delineate the forest preserve and grading. The staking shall be consistent with recorded preserve lines and proposed grading as indicated in the official record at the Monterey County RMA – Building Services Department. The staking shall be verified at the grading pre-site inspection by the grading inspector. (RMA – Planning Department and Building Services Department)	The easement(s) and proposed grading shall be staked with 18” stakes at intervals as necessary to clearly delineate the easement and grading. The staking shall be consistent with recorded easement lines and proposed grading as indicated in the official record at the Monterey County RMA – Building Services Department.	Owner/ Applicant	At presite inspection by the grading inspector	
15		PD043 – GRADING PERMITS REQUIRED A grading permit is required for new private single family access driveways greater than fifty (50) feet in total length that require 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new private single family access driveways greater than fifty (50) feet in total length that require less than 100 cubic yards of earthwork.. (RMA – Planning Department and Building Services Department)	If applicable, apply and receive the appropriate grading permit from Monterey County RMA – Building Services Department.	Owner/ Applicant/ Engineer	Prior to the issuance of grading or building permits	
16		WR3 - DRAINAGE PLAN - RETENTION The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. The plan shall include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ engineer	Prior to issuance of grading or building permits	

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17		WR8 - COMPLETION CERTIFICATION The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant/ Engineer/ Contractor	Prior to final inspection	
18		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
19		WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	

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20		<p>FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. Responsible Land Use Department: Pebble Beach Fire District.</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <hr/> <p>Applicant shall schedule fire dept. clearance inspection</p> <hr/>	Applicant or owner Applicant or owner	<p>Prior to issuance of grading and/or building permit.</p> <hr/> <p>Prior to final building inspection.</p>	
21		<p>FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material.</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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		Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: Pebble Beach Fire District.	Applicant shall schedule fire dept. clearance inspection		Prior to final building inspection	
22		<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</p> <p>The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. Responsible Land Use Department: Pebble Beach Fire District.</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <hr/> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <hr/> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	Applicant or owner	<p>Prior to issuance of building permit.</p> <hr/> <p>Prior to framing inspection</p> <hr/> <p>Prior to framing inspection</p>	